

Unitary Patent Protection – proposed Regulation of the European Parliament and Council

Dear Member of the European Parliament,

I am writing to you urgently in connection with the proposal for a Regulation of the European Parliament and of the Council for creating Unitary Patent Protection which is scheduled to come before you in the European Parliament for voting on 11 December, 2012.

The concept of Unitary Patent Protection in Europe is undoubtedly a desirable goal. Ericsson has long held the view that it is supportive of a unitary patent system in Europe provided it results in a better system than we have in Europe today.

Unfortunately the current package of proposals for EU Patent Reform does not achieve this important objective. On the contrary, the proposed Regulation now before the European Parliament is seriously flawed. We are concerned that, if passed, it will harm innovation, competition and enterprise in Europe for decades to come.

In short, the proposal as it stands is bad for European business and we urge you not to vote in favour on 11 December.

A few of the reasons for not voting in favour:

- The newly introduced Art 5a of the unitary patent regulation creates legal uncertainty and more opportunity for so-called court forum shopping. It also contradicts the desire to harmonize the patent laws of the member states by directing the new unified patent court to apply national law, thus giving different patent protection in dependence of the nationality of the patent holder.
- The proposal facilitates abusive behaviour by patent holders. Examples of such abusive behaviour include enforcement of invalid or weak patents, using threats of pan-European injunctions to extract money for legitimate European businesses that make and sell products in Europe.

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- The court proceedings risk being too costly and slow, causing unnecessary legal uncertainty.
- It is impossible to accurately assess the true implications of the patent package before the Rules of Procedure have been finalized.

Stockholm, December 10, 2012

Yours sincerely,

TELEFONAKTIEBOLAGET LM ERICSSON (publ)

A handwritten signature in blue ink, reading "Nina Macpherson".

Nina Macpherson
Senior Vice President and General Counsel